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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PARNELL COLVIN,
Plaintiff,

vs.

M.J. DEAN CONSTRUCTION, INC.,
Defendant.

Case No. 2:20-cv-01765-APG-EJY

**DEFENDANT'S PROPOSED VOIR DIRE
QUESTIONS**

Pursuant to this Court's Order entered on March 13, 2023 (ECF 100), Defendant MJ Dean Construction, Inc. submits the following proposed voir dire questions for the Court's consideration:

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Questions Regarding Specific Bias Against the Parties

1. Do you have any knowledge of the facts or the existence of this case?
2. Have you or a family member ever been employed by any company that is involved with the Madison Square Garden Sphere project?
3. Do you know any of the parties involved in this case (Parnell Colvin and MJ Dean Construction, Inc.)?
4. Do you recognize any of the following names: Kevin Gutierrez, John Thomason, Paul Rosequist, David Muti, Olton Gilbert, Chris Flanagan, Thomas Glidewell, David McGrandy, Ricardo Flores, Antonio Jalomo-Rodriguez, Julian Jeffers or Tony Logan?
5. Do you know anyone employed by the three following law firms: Jesse Sbaih & Associates, Ltd., Law Office of Daniel Marks, or Law Offices of Michael P. Balaban? Do you recognize any of the following names: Jesse Sbaih, Ines Olevic-Saleh, Daniel Marks, Nicole Young or Michael Balaban?
6. Do you know anyone employed by the law firm of Howard & Howard Attorneys, LLP? Do you recognize any of the following names: Martin Little, Robert Rosenthal, Robert Hernquist or Brandy Sanderson?

Questions Regarding Jurors' Education and Employment Experiences

7. How long have you lived in Las Vegas?
8. The following questions are about the highest level of education that you completed.
 - a. Please raise your hand if you did not graduate high school.
 - b. Please raise your hand if high school graduate is your highest level of education.
 - c. Please raise your hand if some college or technical school is your highest level of education.
 - d. Please raise your hand if community or 2-year college graduate is your highest level of education.

e. Please raise your hand if 4-year college graduate is your highest level of education.

f. Please raise your hand if you completed a postgraduate degree.

9. The following questions are about the highest level of education that your spouse/partner completed.

a. Please raise your hand if you have a spouse/partner.

b. Please raise your hand if your spouse/partner did not graduate high school.

c. Please raise your hand if high school graduate is your spouse's/partner's highest level of education.

d. Please raise your hand if some college or technical school is your spouse's/partner's highest level of education.

e. Please raise your hand if community or 2-year college graduate is your spouse's/partner's highest level of education.

f. Please raise your hand if 4-year college graduate is your spouse's/partner's highest level of education.

g. Please raise your hand if your spouse/partner completed a postgraduate degree.

10. The following questions are about your current job status.

a. Please raise your hand if you are currently employed.

b. Please raise your hand if you are currently employed full-time.

c. Please raise your hand if you are employed part-time.

d. Please raise your hand if you are not currently employed.

e. Please raise your hand if you are not currently employed because you were laid off or furloughed.

f. Please raise your hand if you are retired.

g. Please raise your hand if you are not currently employed because of a disability.

h. Please raise your hand if you are a student.

11. The following questions are about your spouse's/partner's current job status.

- a. Please raise your hand if your spouse / partner is currently employed.
- b. Please raise your hand if your spouse / partner is currently employed full-time.
- c. Please raise your hand if your spouse / partner is employed part-time.
- d. Please raise your hand if your spouse / partner is not currently employed.
- e. Please raise your hand if your spouse / partner is not currently employed because s/he was laid off or furloughed.
- f. Please raise your hand if your spouse / partner is retired.
- g. Please raise your hand if your spouse / partner is not currently employed because of a disability.
- h. Please raise your hand if your spouse / partner is a student.

12. Have you or any family members ever been self-employed or owned a business.

13. Have you or any family members served in the military? If yes, in what branch of service, what capacity and where?

14. How long have you held your current job? If you are not currently employed, how long did you hold your most recent job?

15. Have you or any family members attempted to find employment in the last three years? If so, please describe those attempts.

16. Have you or any family members ever worked in construction?

17. Have you or a family member ever had a negative experience with a construction company?

18. Have you or a family member ever had a negative experience with a construction worker?

19. Have you or any family members ever been a member of a union?

20. Do you have any negative feelings about unions or union members?

21. Have you ever had a job in the human resources department of a company?

22. Have you ever had a job where you were required to supervise other employees?

1 If yes, did you ever have to discipline someone? Was that a negative experience?

2 23. Have you or any family members ever had the responsibility for hiring, firing,
3 disciplining or promoting others?

4 24. Have you or any family members ever been fired? If yes, please explain.

5 25. Have you or any family members ever worked for an employer who had to lay
6 employees off for any reason including economic factors or reorganizational purposes? If yes,
7 please explain.

8 26. Have you or any family members ever filed a workplace complaint against an
9 employer or co-worker?

10 27. Have you or any family members ever been involved in any kind of grievance,
11 administrative proceeding, or lawsuit against an employer or co-worker? If yes, please explain.

12 28. Have you or any family members ever reported any type of discrimination,
13 harassment or retaliation to an employer? If yes, please explain the circumstances.

14 29. Have you or any family members ever filed a workplace complaint or lawsuit for
15 retaliation, discrimination, or harassment?

16 30. Has anybody ever been discriminated against you, harassed you, or retaliated
17 against you in the workplace?

18 31. Has anybody ever discriminated against your family members in the workplace?

19 32. Has anybody ever harassed your family members in the workplace?

20 33. Has anybody ever retaliated against members of your family in the workplace?

21 34. Have you or any family members ever been accused of discrimination, harassment
22 or retaliation in the workplace?

23 35. Have you or any family members ever accused anybody of discrimination,
24 harassment or retaliation in the workplace?

25 36. Have you ever been involved in an internal workplace investigation? If yes, please
26 explain.

27 37. Have you or any family members ever been involved in a situation where you
28 thought that a person was unfairly accused discrimination, harassment or retaliation? If yes, please

1 explain.

2 38. During any period of employment, has anyone ever told your co-workers things
3 about you that were false that you felt might harm your reputation? If yes, please explain.

4 39. Would you be inclined to take side of an employee over that of an employer?

5 40. Do you have an opinion as to whether people who claim they suffered
6 discrimination, harassment or retaliation are telling the truth or lying? What is that opinion?

7 41. Do you have an opinion as to whether people who are accused of discrimination,
8 harassment or retaliation are telling the truth or lying? What is that opinion?

9
10 **Questions Regarding Jurors' Preexisting Biases**

11 42. Is there anything that you have seen or heard that would make it hard for you to be
12 equally fair to both sides in this case?

13 43. Have you ever held a position of leadership (such as elected officer, chairperson,
14 board member, etc.) within an organization?

15 44. What TV shows do you watch?

16 45. What news channels do you watch?

17 46. What newspapers do you read?

18 47. What charities do you support?

19 48. What was the last book you read?

20 49. What stickers do you have on your personal vehicle?

21 50. What are your hobbies?

22
23 **Questions Regarding Jurors' Experiences with the Legal System**

24 51. How many of you have served on a jury before? Were you the foreperson? Did
25 your jury reach a verdict? In favor of which party?

26 52. Have you or a family member ever been a plaintiff or defendant in a lawsuit? If
27 so, what was the nature of the lawsuit?

28 53. Have you or a family member ever been sued? If so, what was the nature of the

1 case?

2 54. Have you ever been in a situation where you believe you could have sued someone
3 but chose not to? If yes, please explain.

4 55. Do you have any family members or close friends that are lawyers or judges?
5 Would that relationship affect you here?

6
7 **Questions Regarding Jurors' Understanding of Their Obligations as Jurors**

8 56. Do you promise to keep an open mind until all the evidence has been presented?

9 57. Will you decide this case solely upon the evidence and the law as presented to you
10 in this Court?

11 58. Will you base your decision solely upon the evidence and the law presented to you,
12 in this Court, and not on sympathy or dislike for the parties or their attorneys?

13 59. In a lawsuit between an individual and a corporation, would you tend to favor the
14 individual? Please explain.

15 60. Do you think you can be fair to a corporation at trial?

16 61. Would you have difficulty in finding in favor of a corporation even if it meant that
17 you had to award an employee nothing?

18 62. How many of you think that if a lawsuit makes it all the way to trial, there must be
19 some merit to it?

20 63. Anyone believe that just because someone has filed a lawsuit they must be entitled
21 to recover something?

22 64. Do you understand that just because a person files a claim does not mean that
23 person is entitled to compensation? Do you understand that a defendant has a right to defend the
24 claim?

25 65. Our system of law does not permit you to be governed or swayed by sympathy or
26 prejudice. Sympathy or prejudice are not relevant to this case. Will you promise to accept this
27 principle in reaching your decision?

66. Even though during the course of this trial you might grow to personally like Parnell Colvin or feel sorry for him, if you find that MJ Dean has met any legally required legal obligation to Parnell Colvin, or that Parnell Colvin has failed to prove his damages, will you be able to find against Parnell Colvin and award no money to him?

67. If supported by the law and evidence, how many of you would be comfortable returning a verdict of no money damages?

68. Is there anyone who would feel any reluctance in joining a discussion with other members of the jury during deliberations?

69. Would any of you feel offended if other members of the jury disagree with your view of the evidence?

70. It is also your duty as a juror to express your opinion or point of view regarding the evidence to the other members of the jury. Is there anyone who would be unwilling to speak up and try to persuade other members of the jury who disagreed with your view of the evidence?

71. Is there anyone who would be unwilling to change an opinion if, after listening to the arguments of the other members of the jury, you were persuaded that your opinion was wrong?

72. As a juror, you may have to resolve conflicts in the testimony of witnesses. This means you may have to decide whether to believe or reject all or part of a witness's testimony or who is telling the truth. Is there any juror who feel this is not something he or she can do?

73. Who would like to be elected the jury foreperson at the end of the trial?

74. Is there anything you would prefer to discuss in private?

75. Is there anything we have not asked you that you think we should know?

HOWARD & HOWARD ATTORNEYS PLLC

By: /s/ Robert Hernquist
Robert Rosenthal
Martin A. Little
Robert Hernquist
*Attorneys for Defendant M.J. Dean
Construction, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been electronically filed and served upon the following parties on March 20, 2023 through the Court's ECF system.

LAW OFFICES OF MICHAEL P. BALABAN
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Attorneys for Plaintiff

/s/ Barbara Dunn
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